

### REMARKS

Applicant has added new claims 51-128 Applicant's remarks below are preceded by quotations of related comments of the examiner, in small, boldface type.

#### **Claim Rejections - 35 USC § 112**

**2. Claim 35 recites the limitation "access terminal" on line 14. There is insufficient antecedent basis for this limitation in the claim.**

**3. Claim 38 recites the limitation "access terminal" on line 4. There is insufficient antecedent basis for this limitation in the claim.**

Claim 35 has been amended.

**4. Claim 49 recites the limitation "access terminal" on line 15. There is insufficient antecedent basis for this limitation in the claim.**

**5. Claim 50 recites the limitation "access terminal" on lines 16 and 17-18. There is insufficient antecedent basis for this limitation in the claim.**

**6. Claim 25 recites the limitation "RCN" on line 2. There is insufficient antecedent basis for this limitation in the claim.**

Claim 49 has been cancelled without prejudice. Claims 50 and 25 have been amended.

**9. Claims 8-27 and 35-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hokkanen (WO 98108353) in view of Oom (US 6738625 B1).**

**10. Regarding claims 35, 36 and 42, Hokkanen teaches (fig. 2) a method comprising: in connection with a wireless mobile network including a first and second RNC (BSC1, BSC2) and a first and second radio node (BTS2, BTS4); establishing a first traffic channel between a first mobile access terminal and a first RNC; sending and receiving a first plurality of data over a first traffic channel between the first radio node and the first RNC without passing through the second RNC; establishing a second traffic channel between a second mobile access terminal and the second RNC; sending and receiving a second plurality of data over a second traffic channel between the second radio node and the second RNC without passing through the first RNC, and maintaining the first traffic channel as the first mobile access terminal moves from a coverage area of the first radio node to a coverage area of the second radio node, sending and receiving a third data traveling between the second radio node and the first RNC without passing through the second RNC.**

**11. Hokkanen does not teach packet network.**

**12. Oom teaches (col. 6) packet routing which implies that the system is a**

**packet network. It would have been obvious to one of ordinary skill in the art to adapt to Hokkanen's system Oom's concept of packet routing to enhance the scope of the system.**

Amended claim 35 recites “many-to-many communication among radio network controllers and radio nodes through a packet network”, a feature that is neither described nor suggested in either of the Hokkanen or Oom references, let alone in a combination of the two. In some implementations of claim 35, the packet network enables a radio node to pass traffic to multiple radio network controllers by placing the traffic on the single physical line connecting the radio node to the packet network. The many-to-many feature recited in the claim is quite different from what is described in the two references.

Hokkanen, as the examiner acknowledges, shows no packet network. The examiner therefore relies on Oom as implying the use of packet networks.

Yet, in Oom, communication between radio nodes and radio network controllers occurs over dedicated point-to-point physical link connections (column 11, lines 23 through 28). To achieve many-to-many communication in Oom would require many dedicated point-to-point physical links each connecting one of the radio nodes to one of the radio network controllers. Even if such a system were suggested by Oom, it would not amount to a packet network as in claim 35.

Hokkanen uses the term “coverage area” in relation to a base station controller (BSC), not a radio node. As shown in Hokkanen's FIG. 2, a handoff of a traffic channel from BSC1 to BSC2 occurs when an access terminal moves from the coverage area of BSC1 (i.e., the area to the left of the vertical line) to the coverage area of BSC2 (i.e., the area to the right of the vertical line).

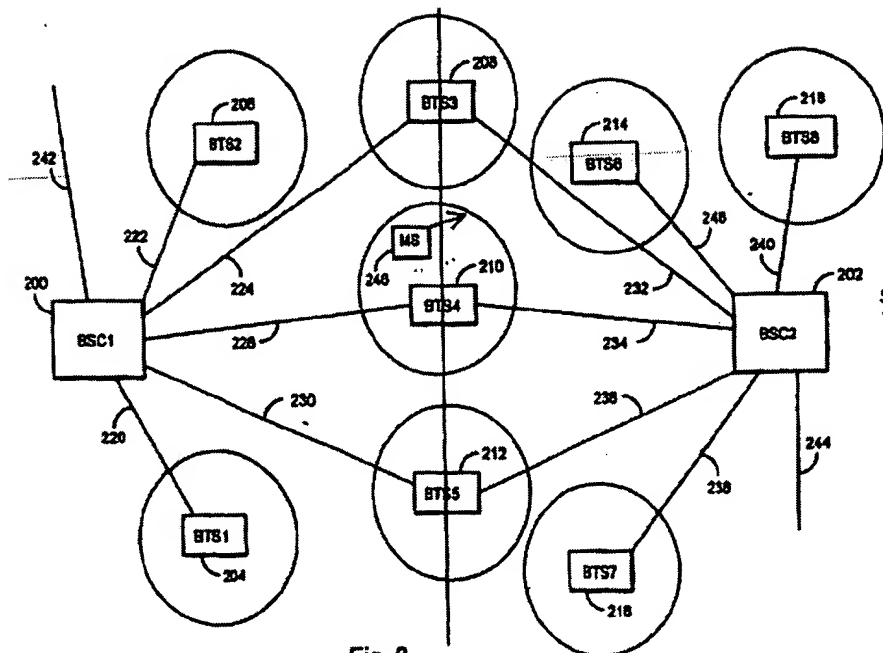
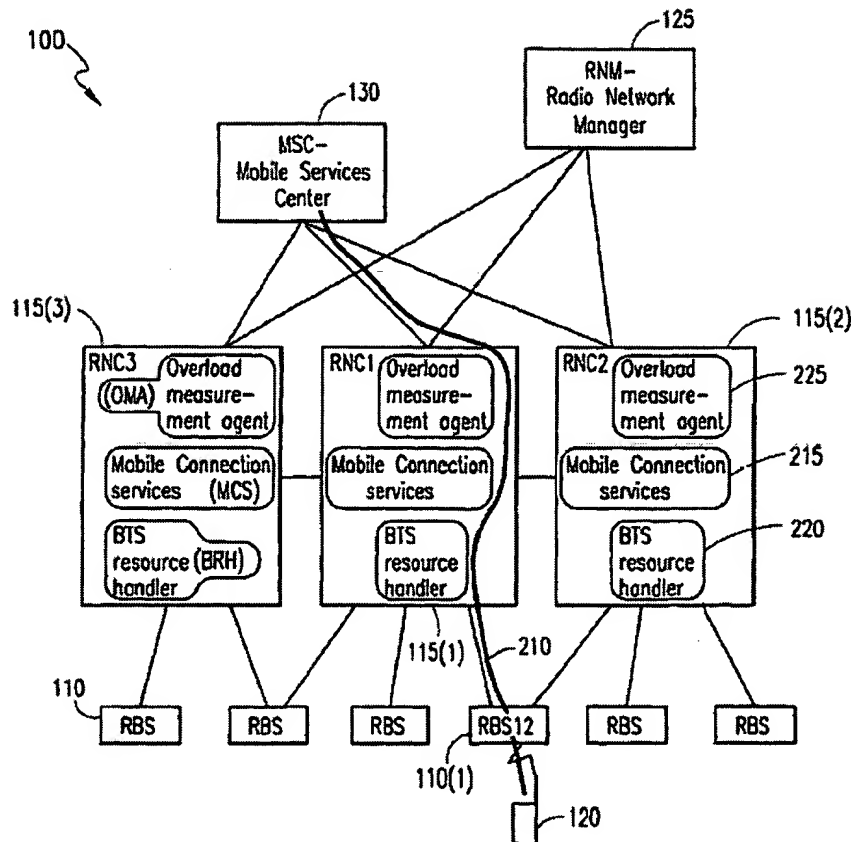


Fig. 2

In Hokkanen, the radio node serving an access terminal continues to be, for example, BTS4 even when the access terminal moves from the coverage area of BSC1 to that of BSC2. Furthermore, the traffic channel between the access terminal and radio network controller, BSC1, is handed off to another radio network controller, BSC2, when the access terminal moves to the coverage area of BSC2. By contrast, in claim 35, the first traffic channel between the access terminal and the first radio network controller is maintained when the first access terminal moves from a coverage area of "the first radio node" to a coverage area of "the second radio node."

In the Oom system, shown below, at any given time a radio node is controlled by (homed to) only one radio network controller. Oom discloses techniques for rehomeing a radio node from a first radio network controller to a second radio network controller in response to an overload in the first radio network controller.



**FIG. 2**

In Oom, the radio node serving a mobile station 120 continues to be, for example, RBS12 115(1) even when the radio node is being rehomed from the first radio network controller 115(1) to the second radio network controller 115(2). Oom is silent about what occurs to the connection 210 when the mobile station 120 moves from a coverage area of “the first radio node” to a coverage area of “the second radio node.” Oom does not disclose and would not have made obvious “maintaining the first traffic channel between the first access terminal and the first radio network controller without requiring the first traffic channel to pass through another radio network controller when the first access terminal moves from a coverage area of the first radio node to a coverage area of the second radio node” as required in claim 35. Independent claim 50, and the claims that depend on claim 50, are patentable for at least the same reasons.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or

Applicant : Vedat Eyuboglu et al.  
Serial No. : 09/891,103  
Filed : June 25, 2001  
Page : 28 of 28

Attorney's Docket No.: 12144-007001

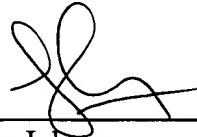
concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Enclosed is a \$2855 check for excess claim fees and a \$510 check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: \_\_\_\_\_

7/27/05



\_\_\_\_\_  
Mandy Jubang  
Reg. No. 45,884

Fish & Richardson P.C.  
225 Franklin Street  
Boston, MA 02110-2804  
Telephone: (617) 542-5070  
Facsimile: (617) 542-8906